

REMARKS

In response to the Notice of Non-Compliant Amendment mailed on December 16, 2008, Applicant submits herewith a substitute specification. The substitute specification replaces the substitute specification filed May 17, 2004. For completeness, the substitute specification also includes the abstract filed June 30, 2008, which Applicant understands was entered. This substitute specification addresses the Examiner's objections from the December 28, 2007 Non-Final Rejection, as well as the issues raised in the September 12, 2008 and December 16, 2008 Notices of Non-Compliant Amendment. No new matter has been added.

Applicant respectfully submits the following facts for consideration. Applicant was not in possession of the original electronic document including the May 17, 2004 substitute specification. Thus, in order to prepare Applicant's June 30, 2008 response, a copy of the May 17, 2004 substitute specification was downloaded from Private PAIR and scanned and processed by an optical character recognition (OCR) program. As often happens in such a scenario, scanning artifacts were unintentionally introduced into the document. Applicant's June 30, 2008 response attempted to address the objections in the December 28, 2007 Non-Final Rejection and clearly marked the changes that Applicant intended to submit. Applicant was unaware that scanning artifacts had been introduced and did not intentionally submit such changes unmarked.

Applicant thanks the Examiner for noticing the discrepancies between the May 17, 2004 substitute specification and the substitute specification submitted on June 30, 2008. Applicant understands that the June 30, 2008 substitute specification was not entered due to the non-compliance issues raised in the September 12, 2008 Notice of Non-Compliant Amendment. In response to the September 12, 2008 Notice, Applicant proofread the June 30, 2008 substitute specification and submitted a response on October 10, 2008 that attempted to address the Examiner's concerns by amending the June 30, 2008 substitute specification.

Applicant received the December 16, 2008 Notice of Non-Compliant Amendment that stated that the October 10, 2008 amendments to the specification were also non-compliant. For this response, Applicant has rescanned and re-OCR'd the May 17, 2004 substitute specification and has tried to carefully proofread the recreated copy of the May 17, 2004 substitute specification for scanning artifacts. From this recreated substitute specification, Applicant

introduces amendments to address the objections in the December 28, 2007 Non-Final Rejection. For completeness, Applicant also includes the Abstract filed June 30, 2008, which Applicant understands was entered. Applicant respectfully submits that this substitute specification clearly marks all intended changes to the specification, and that any unmarked discrepancies between this substitute specification and the substitute specification filed on May 17, 2004 or the abstract filed on June 30, 2008 are the result of scanning artifacts that were not noticed despite Applicant's attempt to carefully proofread the substitute specification for such artifacts. Applicant believes that this response addresses all of the issues with respect to the specification in the December 28, 2007 Non-Final Rejection, the September 12, 2008 Notice of Non-Compliant Amendment, and the December 16, 2008 Notice of Non-Compliant Amendment.

Accordingly, Applicant respectfully requests the Examiner to consider and to enter the submitted substitute specification.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Dated: January 16, 2009

Respectfully submitted,

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